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Attention: Aspiring Wine Connoisseurs

By: Michelle Dinh

As a soon-to-be attorney, fluency in the language of wine can't hurt, whether you are at a networking event or charity benefit you can count on these basic skills to set you apart. Here's a crash course.



Terminology

Basically, vintage refers to the year of the harvest. Any wine served a year since it was bottled is young.

Swirl the glass gently then bring it to your nose and inhale. You can go on from there to describe the aroma of the wine aka it's smell, which can be fruit, flower, and herbal. You can also get fancy and pinpoint the exact smell like strawberry, pepper, mint, rose, or lavender. The word bouquet is used for the complex aromas in aged wine. Do not EVER confuse aroma and bouquet. Wine aroma is about the grape variety and wine bouquet is about the winemaking process i.e. aging and fermentation. This could be attributed to scents of yeast, spice, and nuts. To be more specific you can label the smell as: vanilla, caramel, hazelnut, walnut, roasted almond, toasted marshmallow, clove, smoke, dried leaves, sourdough, mushroom, parmesan, and buttermilk. Fun fact: if you detect a hint of vanilla, that means the wine was probably aged in new oak barrels.

Take a sip. The body of the wine is its weight in your mouth and can be described as light, medium, or full. This is due to alcohol content. Full bodied wine is high in alcohol and feels more viscous.

Move on to mouth-feel with terms like rough (coarse), smooth, silky, velvety, or furry. Sugars, tannins, alcohol, and other compounds contribute to these sensations.

Finally, get in to the taste where you can say it is fruity, oaky, spicy, earthy, herbaceous, charcoal, toasty, or bright.

To really wrap things up you can end with notes on the finish and length, referring to the impressions of the texture and flavor after swallowing and how long they last in the mouth, respectively.

To get real nerdy, you can share the fun fact that the scientific compound that makes wine leave a dry and bitter taste is called tannins. Beware of an overwhelming taste of green peppers or bananas which is a flaw in red wine, although this could arguably be a "characteristic" of some wines and not really a flaw per se. When there is a must, wet cardboard taste that indicates "cork taint," which gets harder and harder to detect with every sip because the human palate quickly acclimates to TCA, the molecule responsible for cork taint.

Pairing

With Cheese

Port and Bleu Cheese
Prosecco and Parmesan
Cabernet Sauvignon And Aged Gouda or Cheddar
Chardonnay and Gruyere
Riesling and Ricotta
Pinot Noir and Brie
Merlot and Monterey Jack
Pinot Grigio and Mozzarella
Sauvignon Blanc and Goat Cheese



With Food

White wine, Pinot Grigio or Chardonnay goes with greens and fish.

Red wine and fish do not go together.

Champagne goes with everything, especially salty food.

Pinot Noir and earthy foods like mushrooms and truffles belongs together as well as salmon.

Cabernet Sauvignon is the perfect companion for red meat.

Rose and chicken is a match – some rose is also the bestest friend of olives and goat cheese for light Mediterranean style dishes. Although, for roast chicken it is suggested by a student source that rhone style wine is preferred i.e. something made from Grenache, Syrah, Mourvedre.

Legalese

In California there is a whole regulation system on wine labels. This includes the year, where it's from, name of the wine, winery, and bottling designation. To truly be called "vintage" 95% of the grapes used in the wine must be produced in that year. To be listed as wine from a certain location 100% of the grapes used must be from there. If the wine is from a designated grape growing area, i.e. Napa only 85% is needed. There are three types of wine names. First, Varietal, which refers to the grape in the wine (Chardonnay or Cabernet Sauvignon). Under this name, 75% of the wine has to be made from that specific grape. Second, Proprietary is named after the wineries. Third, Generic, this is wines that are unspecified in grape variety and location. Like Chablis, is just white wine from an undisclosed region and several white grapes is blended in. In terms of prints on the bottle stating, "Estate Bottled" or "Grown, Produced and Bottled by...", this means 100% of the grapes in that bottle comes from that vineyard. When it reads "Produced and Bottled by..." that only means 75%. "Made and Bottled by..." indicates at least 10%, which pretty much means they were not involved in the production at all and only bought and labeled it.

In contrast, European regulators classify wines by region, rather than grape, so it's a bit of a faux pas to speak of "a French Pinot Noir." Try, "I love red Burgundy, but who doesn't right?" The exception to the rule is that European wine makers have started labeling table wines by varietal, because American consumers want to know what's inside more than where it grew.

Cheers!



MOTIONS

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Our mission is to provide news, information, analysis and commentary to the students, faculty, and staff of the University of San Diego, the University of San Diego School of Law, and the general legal community of San Diego. We believe that journalistic excellence is the soundest foundation for success. We pledge to seek and report the truth with honesty, accuracy, and fairness. These principles are cautiously guarded by each member of the Motions staff.

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Motions welcomes articles, letters, guest columns, complaints, and commentaries. All submissions must be original work and include valid attribution information. We reserve the right to edit for content, length, style, and the general requirements of good taste.

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Law Librarians' Corner

A few words from Judith Lihosit

Assistant Dean / Director of the Legal Research Center and Professor of Legal Research

Now that the fall semester is in full swing, please keep in mind that the Legal Research Center (LRC) is here to help you find answers to your legal research questions. Stop by our reference desk, or contact a reference librarian by phone, email, or chat. All our reference librarians have J.D. and M.L.I.S. degrees, have passed the Bar exam, and many have practiced law in various specialties, written articles, presented at conferences, and taught classes in legal research. Our reference librarians enjoy working with people. No question is too simple or too challenging—whether you're working on a first-year research assignment for LWR, trying to locate an obscure publication for a cite-checking assignment, or struggling with a research project at the firm you are clerking at, a reference librarian is ready to help you tackle your queries and find an answer! The LRC's website (<https://www.sandiego.edu/law/library/>) provides access to course reserves, past exams, specialized research databases (both legal and non-legal), and research guides and videos prepared by reference librarians on how to deal with common research questions. Also be sure to visit the LRC website for our monthly trivia contest to win a gift card!

How Public Law Libraries Can Serve You

by Michele Knapp, LRC Reference Librarian

Public law libraries serve the important purpose of making the law accessible to the public. Each California county supports a public law library that is open to all, serving attorneys, business owners, pro se litigants, and others. The Council of California Law Librarians provides information on law libraries throughout the state (<http://www.publiclawlibrary.org/>). San Diego Law Library (SDLL, <http://sandiegolawlibrary.org/>) has served the legal community and residents of San Diego County since 1891. It has four locations – Downtown San Diego, Vista, Chula Vista, and El Cajon. Renovations on the state-of-the-art facility in Downtown San Diego were completed in 2012.

For attorneys in a solo or small practice, having enough space to properly conduct business can be a challenge. SDLL has meeting and conference rooms available for rent, providing professional space in which to conduct depositions, hold negotiations, and meet with clients. Copiers, scanners, and fax machines are available in a convenient location near the courthouse. SDLL helps attorneys meet MCLE requirements, as well. They offer numerous programs every month, covering various topics. Added benefits are the networking and personal connections that come from participation. In January 2017 alone, SDLL offered over 15 MCLE programs at locations throughout the county. Keep up-to-date with SDLL events by signing up for a weekly newsletter (<http://sandiegolawlibrary.org/about-us/newsroom/newsletter-sign-up/>).

As for substantive research assistance, attorneys are in good hands with SDLL staff. All reference librarians have a legal background and can help save time when faced with a difficult research assignment. I always advise students and faculty not to spin their wheels when they do not know where to look for certain material, how to navigate a database, or how to get started on a research question. SDLL librarians take the same approach. They are happy to brainstorm ideas to get you moving on that assignment.

All SDLL users have access to the following services:

- Free access to Lexis Advance, CEB OnLaw, HeinOnline and more legal databases on library computers
- Use of print materials on site
- Research and motion guides
- Document delivery
- Rental of meeting and conference rooms
- Free tutorials on use of legal databases

Membership at SDLL brings even greater benefits (<http://sandiegolawlibrary.org/join-us/membership/about-membership/>). Law students and attorneys in the first two years of practice can join at a minimal cost of \$10 per year.

Members can take advantage of additional services:

- Free access to Westlaw
- Borrowing privileges (no deposit required)
- Free wifi
- Access to select databases on your own device while in the library
- Discounts on space rentals, - one free hour of conference room usage
- Discounts on MCLE programs
- Interlibrary loan service

New at SDLL are member only events, such as the MCLE, The Future of Cannabis in CA: A Post Prop 64 Review, which was offered last spring. Additional programs include the upcoming Witkin Award Ceremony, honoring members of the local legal community for leadership and excellence. Our very own USD Legal Clinics Academic Director Robert Muth was recognized in 2016 with the Excellence in Legal Education Award.

Unique to San Diego is Comic Con, which descends on our city every July. Each year, SDLL offers Law and Comics events around the time of Comic Con, an especially fun and interesting way to learn about a new area of law or expand your existing knowledge. Great networking events include the annual Open House in December. It is a free event with food and beverages that brings together city and county officials, attorneys, judges and others in the local legal community.

SDLL partners with numerous organizations, including local businesses, bar associations, public libraries, courts, and government agencies. If you are looking to volunteer your time, this is a great way to gain additional experience assisting members of the community who need legal help (<http://sandiegolawlibrary.org/join-us/volunteer/>).

Developing relationships with others is crucial to success as an attorney. Joining the San Diego Law Library brings a sense of community and connection with others in the legal field. Join today and expand your network of colleagues and friends. You will be glad you did.



Letter from the Board of Visitors

I write in my role as Chair of the Board of Visitors upon consultation with the Board's Steering Committee and with input from the Board to share our thoughts and concerns on issues developed in relation to Professor Alexander's co-authored Op/Ed piece appearing in the Philadelphia Inquirer on August 9th.

The Board of Visitors is an advisory and support group dedicated to the School of Law's advancement as a leading center of legal education and scholarship. Members of the Board of Visitors provide counsel and feedback to the dean on a range of issues related to the priorities and needs of the School of Law. The Board is comprised of a diverse group of accomplished leaders from across the country committed to the School of Law's continued growth and success and to supporting our dean, the faculty and our lifeblood, the students.

We are aware that within the law school community there are interests and viewpoints that in some respects diverge on this matter. Despite that fact, the Board of Visitors recognizes all are committed to principles of human respect, professionalism, diversity, free speech and academic freedom.

As a consequence of our support and counsel to the dean, our insight is that Dean Stephen Ferruolo has been throughout his tenure and continues to be a strong and capable leader at times of great challenges to the School of Law. We acknowledge with appreciation his commitment and constant efforts to increase diversity in the student body and faculty and in expressions and thoughts throughout the law school community. The dean's leadership is exemplified in his response to this situation.

We support the dean's commitment to our faculty and recognize its role in fostering academic freedom, free speech, the values of scholarship, teaching and inclusiveness. With the dean, we hold in our hearts the ambitions and interests of our students and stand ready to foster and support their efforts to achieve the goals which led them to USD Law School because here they belong.

Regards,

Alan K. Brubaker
Chair of the Board of Visitors

Like a Sir

Mens Fashion Column
by Ian Pike



You're Only As Well Dressed As Your Shoes

A fine pair of shoes is the sine qua non of a well dressed gentleman. Footwear commands such outsize importance in men's dress, that it is perhaps the only area on which a young lawyer hoping to look his best should never skimp. You can make a sub-par suit look OK with the right tailoring; and an \$18 dollar tie from Marshall's will often, as far as fit and finish is concerned, work nearly as well as the \$180 model from your favorite, upscale department store. But the wrong shoes ruin everything.

To put it mildly, you are only as well dressed as your shoes; and the first real wardrobe investment every 1L makes (other than a decent suit), and the first "upgrade" every upper division student applies to his wardrobe, is a proper set of men's dress shoes. But what distinguishes a set of proper dress shoes from the horde of cheap kicks that make an otherwise respectable law student look like a little kid playing dress up?

First, the soles shall be leather. Rubber soles belong on sportswear, and therefore have no place at your job interview.

Second, the toes shall be round. Not only are square toed shoes far too casual for formal business wear, but the quirks and foibles of fashion will make your novelty shoes look dated within months; whereas, a black Oxford has looked good for a hundred years, and will continue to do so for at least the duration of your law school career.

Third, the lacing shall be concealed beneath the vamp. If the laces run through wings of leather than freely flap in the breeze like the wings of an angry seagull, you have a Derby, which is inappropriate for business wear. If, however, the lacing is neatly closed beneath the vamp, congratulate yourself for your excellent taste.

Minding those two considerations, a law student really needs just two sets of dress shoes: a black, cap-toe Oxford, and a set of brown Brogues.

The black Oxford is appropriately worn with a dark suit, navy or charcoal, when you must be at your most professional. Think "job interview," or "going to court." You can even get away with wearing them for black tie. They are overkill in almost all other situations, and please don't wear them with your jeans.

The brown Brogues, slightly more casual on account of the "broguing" (decorative embellishments punched into the leather), serve well for virtually every other occasion, and are appropriate for all but the most conservative audiences as well. As a sort of bonus, they work much better for business casual, where black shoes are too severe. Brown brogues can even be worn with jeans—although a set of Chelsea boots is better.

These two, basic shoes will meet every need the average law student will or might have.

Letter from the Law Alumni Board of Directors

September 26, 2017

To: Student Body, University of San Diego School of Law

From: The Undersigned Members of the Law Alumni Board of Directors

Re: Our Values

A recent op-ed piece co-authored by Professor Larry Alexander of the University of San Diego School of Law and Professor Amy Wax of the University of Pennsylvania School of Law has raised concerns among members of the current student body and some alumni of USD. The piece posits that "restoring the hegemony of the bourgeois culture" of the 1940s thru the 1960s, including a focus on stable marriages, education, and civic responsibility, will cure society's ills. The piece has caused widespread controversy and raised questions both nationally and locally about the values held by USD School of Law. We write to affirm our values as alumni of USD, take issue with the article's conclusions and how some have interpreted it, and espouse the importance of diversity and inclusion at our law school.

Other authors have already detailed certain deficiencies in the Alexander/Wax piece, such as: (i) a lack of evidentiary support, (ii) a refusal to seriously grapple with the rampant racial and gender oppression that underlay the "bourgeois culture" the article promotes as a panacea for today's ills, and (iii) blindness to the very real problems of the current era, including ongoing racial and gender discrimination. We agree with those criticisms. Some have also interpreted the article's assertions as an implicit endorsement of white cultural supremacy – a world view that has no place at USD. However, our intent today is not to dwell on the article's deficiencies, but rather to focus on the values that we believe make USD an institution that trains lawyers to uphold the underpinnings of our American democracy. Indeed, the underlying values the article espouses – the importance of family and stable support systems for our communities; the value of education as a means of self-improvement; and the call to serve others and be part of something bigger than ourselves – are in no way unique to the "bourgeois culture" of prior American decades. These are American values that are common across our diverse country and these are values that USD law students and alumni live by our deeds.

An important part of the value of education at USD is academic freedom for students and faculty to study various issues and publish research that may derive from varying points of view. These varying points of view are essential to rigorous debate that is a cornerstone of legal education at USD. While debate must be rigorous so that we may test each other's convictions and pit the relative merits of one position against another, our discourse must also be respectful so that we truly hear one another. Several students, as individuals and groups, have offered thoughtful and measured responses to the arguments advanced in the article. We also understand that students have been engaging in civilized discussions in order to understand opposing perspectives. These responses confirm that USD School of Law is producing legal minds of the highest caliber. Perhaps even more importantly, they evidence future legal practitioners willing to speak out civilly but forcefully when they perceive ideas that promote racial, gender and class based oppression. We are proud that these students will join our ranks as alumni and look forward to their contributions to the legal profession.

We wish to thank Dean Stephen C. Ferruolo for his strong support for academic freedom as well as diversity and inclusion at USD. As Dean Ferruolo noted, for many students, "racial discrimination and cultural subordination are not academic theories, they reflect the students' personal experiences." We strongly support disrupting that discrimination and cultural subordination in concrete and positive ways. To that end, USD School of Law is proud to be the pilot law school in California to participate in the Minority Legal Education Resources program, which provides supplemental bar review programs for minority law school graduates. Additionally, USD has recently committed to participate in the Summer Legal Institute for High School Students ("SLI"), a one-week legal immersion program for high school students. USD is proud to help expand SLI by bringing it to San Diego. As alumni, we are proud of our law school's leadership in this area and support a continuation of these and similar programs.

Our country is currently experiencing unprecedented divisiveness. We talk at each other today more than we listen to one another. We must put an end to this atmosphere of discord, bring people together to acknowledge our differences and derive a common truth. USD School of Law is a place of thoughtful discourse where a broad range of ideas, perspectives, students and faculty are welcome. We are committed to ensuring that is always the case.

Signed* –

Name USD (Class Year)

James D. Crosby, President (1983)
Megan Donohue, President-Elect (2009)
Knut S. Johnson, Immediate Past President (1986)
Marty Lorenzo, Director (1996)
Carolina Bravo-Karimi, Director (2008)
Joy Utomi, Director (2011)
Victor M. Torres, Director (1988)
E. Scott Dupree, Director (1977)
Matthew L. Abbot, Director (2015)
Karin Backstrom, Director (1992)
Beth K. Baier, Director (1984)
Alan H. Barbanel, Director (1982)
Benjamin J. Coughlan, Director (2012)
Solveig Deuprey, Director (1978)
Buck Endemann, Director (2007)
Dave Fox, Director (2007)
Nicholas J. Fox, Director (2011)

Douglas J. Friednash, Director (1987)
Kirsten F. Gallacher, Director (2012)
Jonathan L. Gerber, Director (2007)
Bridget Fogarty Gramme, Director (2003)
Christopher Hayes, Director (2010)
Ashley T. Hirano, Director (2009)
Alex L. Landon, Director (1971)
Amos Alexander Lowder, Director (2009)
Jason M. Ohta, Director (2000)
Jamie M. Ritterbeck, Director (2012)
Noel B. Vales, Director (1997)
Jessica G. Wilson, Director (2006)

* Members of the Law Alumni Board of Directors who serve as Judicial Officers have abstained from participation in this statement, in accordance with Judicial Rules of Conduct.

Alumni Spotlight

Interview with Christine Pangan

1) What was your graduation year and what were you involved in during your law school days?

2002 - doesn't seem that long ago! Time flies after law school. I was actually most involved in Motions, starting as a 1L through being editor-in-chief my 3L year. 9/11 happened when I was in law school - that was an interesting time, creating the content such as our editorials. The focus changed from fun restaurant reviews to constitutional rights at a time when any criticism of the government was viewed as unpatriotic.

2) How did you prep for the bar and how was the bar itself?

The bar was and always has been intense! It's like training for a marathon - you need to condition to be physically and mentally prepared for, at the time, three full days of testing in which you really need to time yourself. I took a bar course but also did a lot of self-study, sequestering myself in a small town far away from everyone. You need to know what study style works best for you. I exercised and meditated daily, studied perhaps 10 hours a day. I made a schedule for myself, and allowed myself a little bit of time each day to relax and do something fun. You have to remain focused and not allow yourself to become distracted - and you will have distractions from just normal life stuff like the TV or events to people wanting attention from you. As part of my daily routine, I also did a bit of non-bar reading to unwind before I went to bed - I read Ethics for the New Millennium by the Dalai Lama for some inspiration and to remind myself why I was even doing this. I'd say I was probably in the best mental, physical, and spiritual health I had ever been in, which made bar study the most challenging but also really amazing time for me. I actually rather enjoyed the routine of it.

As for the bar itself, you'll hear stories about how you should stay in a hotel close to the exam because you never know if there will be an accident and traffic on your way to the bar exam and you don't want to deal with that kind of stress. I stayed in a downtown hotel within walking distance of the exam, came back exhausted after Day 1 and was eating dinner in my room. I didn't realize all the sirens going off where because my hotel was on fire! The PA system finally came on saying to evacuate. Good thing I had looked at where the stairs were - they were filled with smoke as I made my way down. I stayed at a nearby bar for several hours until we could go back in. Luckily, I was on a higher floor and allowed to stay (others had to be relocated due to water damage from sprinklers). I had to laugh - you just have to be prepared for anything happening, expect the unexpected, don't let it throw you off. And no matter what happens, don't forget your bar admittance paper! I had left mine in the hotel, almost asked a fireman to get it for me.

3) What are you currently doing?

Currently, I am a Lead Attorney at the Legal Aid Society of San Diego, on the Pro Bono Team which recruits and trains volunteer attorneys and law students. Before that, I supervised Legal Aid's domestic violence clinic for almost nine years.



**Legal Aid
Society
of San Diego**

4) What else are you involved in right now?

I am also Co-Editor of San Diego Lawyer Magazine, which is the San Diego County Bar Association's magazine. I was recruited during law school to write for them and be a part of their editorial board, and have been there ever since. I am also on the advisory board of New Village Arts Theatre, a wonderful small theatre in Carlsbad founded by graduates of The Actors Studio in New York. I've had the privilege of watching this theatre grow over the years - I first became involved with them when I was volunteering for Lawyers for the Arts, a San Diego Performing Arts League program when I was a new attorney.

5) Fun facts or advice?

Get as much experience as you can while in law school. Figure out what you want to do, at least for your first years of practice, so you can make a game plan. For those of us who used to plan - from high school figuring out how to get to college, from college figuring out how to get to law school - you might think you can slack on planning. Don't. Make contacts, get relevant experience, get involved. And if you get a chance, travel! My favorite part of law school was my study abroad at Oxford during the summer after my 1L year. It was also my first time in Europe. Ever since then, I've been traveling whenever I get the chance - so much to learn and experience. Another fun fact: I have a rather funny blind cat #MinitheBlindCat.

6) What is LASSD? (Mission statement, services, clinics, etc)

Legal Aid Society of San Diego (LASSD) was created about 96 years ago as the Office of the Public Attorney, providing equal access to justice through free professional legal services to families and individuals who cannot afford an attorney in civil matters. LASSD is the largest poverty law firm in San Diego County and is funded by the government (city, county, state and federal) as well as by endowments/grants and charities. People get assistance with health coverage or health services, as well as in areas of law such as Housing, Family Law, Consumer Law, Immigration, Conservatorship, CalWorks/CalFresh, SSI and Federal Tax. In addition to legal representation, LASSD offers free workshops and legal clinics in the areas of eviction, conservatorship, restraining orders (domestic violence, civil harassment, elder abuse), federal tax debts, civil appeals, debt collection defense and Medi-Cal/CalFresh/CalWorks hearings. Law students and volunteer attorneys are key to providing legal assistance at these pro bono clinics where thousands of individuals are assisted each year.

Interesting IP Incidents

PETA sued a photographer for including a selfie taking by a monkey in his book sold for profit, but judge dismissed case stating Copyright Act does not provide ownership rights to animals and the monkey did not have standing. Case is now back in district court to evaluate the vacate judgment.

In-N-Out sued Smashburgers over trademark infringement in their cheeseburger ads since In-N-Out holds rights over calling something a "Double Double," "Triple Triple," and "2 x 2".

Michael Jordan wins his trademark case against company using his Chinese name Qiaodan to sell products.

Media company Viacom, owner of Nickelodeon's Spongebob Square pants, won their case against IJR Capital Investment owner Javier Ramos who wanted to build a chain of Krusty Krab restaurants.

There is an ongoing dispute over who actually invented the CRISPR gene-editing technique since Professor Jennifer Doudna of the University of California, Berkeley and her co-authors were the first to file the patent, but they were not given the right to "exploit it commercially", which was granted to Feng Zhang of MIT.

Apple sued Samsung over the design of its electronic devices, jury found for Apple and Federal Circuit upheld the decision, but Supreme Court has remanded leaving open for interpretation "how to identify an article of manufacture."

Dr. Phil wins copyright case against former segment director who also accused him of false imprisonment.

How Much Gun Control Is Enough?

By: David Smykowski

California has led the nation in gun control for the last twenty years, with each law being justified as either preventing gun violence or keeping guns out of the wrong hands. These issues are obviously very concerning, but not every gun control law is effective.

The Handgun Roster was a "common sense" gun law passed in California in 1999. It was designed to make sure that only safe handguns could be sold to California residents. The original definition of a safe handgun was essentially one that wouldn't go off when it was dropped, and that seemed reasonable to the voters. Since it was passed, however, the requirements of a safe handgun have been expanded several times, and most recently mandated that a technology called microstamping is necessary for any new gun to be considered. The theory of microstamping is where the serial number of the firearm is stamped on every bullet casing and primer when it is fired. This technology does not exist and has been proven to be impractical in development because the "stamps" that imprint the serial number are worn down in normal use after only a relatively small number of shots fired. So, if the microstamping were implemented, any would-be criminal can defeat it by going to the range a few times and practicing their aim before committing their crime. This failure did not change California's mind, however, and since no manufacturer will adopt an unviable technology no new handguns can be added to the roster. Today the only handguns a California resident can buy are ones that were approved before the microstamping requirement went into effect, officially freezing us in 2014 like Cuban automobiles were frozen in the 1950's. I should point out, however, that law enforcement is exempt from the roster, so police are the only California residents that can buy the guns that California doesn't judge as safe.

If you do find a gun you like, after you buy it you must wait ten days before you can take it home. This is what California considers the cooldown period to prevent someone from buying a gun for a rash decision. However, if they already own five guns and want another, they still need to wait ten days before taking the sixth home. Maybe the justification is if a person is so upset they're going to shoot someone, they wouldn't want to use a gun they already own. I will admit that in my years working in the firearms industry I have seen this regulation save one life, but it was the buyer's own life and it was his first gun. Within the customer's ten day wait his family member called our shop to tell us that the buyer confessed suicidal thoughts, which was his reason for buying the gun. The California Department of Justice was immediately called to see what our shop was supposed to do in this situation. Their response was that it was our discretion, we could give him the gun after ten days or refuse service and refund his purchase. Our store decided the sale wasn't worth the weight on our conscience, but the response from the State made me really question if saving lives is the motivation.

The assault weapons ban is maybe one of the most ridiculous laws that California has on the books. There is a common misconception that the "AR" in AR-15 stands for assault rifle. It stands for Armalite Rifle; Armalite being the name of the company that popularized the AR-15 design. So, the assault weapons ban does not target these rifles specifically, it targets any semi-automatic, centerfire rifle. More specifically, it regulates how these guns look. The same gun that California thinks is too scary for citizens to own is perfectly legal to buy if only a few aesthetic features are changed. Although the full explanation is too long to include in this article, it is the equivalent of passing a law that says black guns are illegal but if you paint it purple it is fine. I have sold more of these guns than handguns, shotguns and bolt-action rifles combined, but I have never gotten a call from law enforcement asking about one used in a crime.

I am all for gun control that can stop criminals while preserving the freedoms of law abiding citizens, but these laws are a small sample of the many gun control regulations that just seem superfluous. Instead of analyzing whether the existing laws are working, California instead pushes out new legislation with harsher penalties that take away from the law-abiding citizen. If this trend continues, soon the number one-gun crime in California will be simply owning one.

Love, Life, and Law Advice Column

Q1 Love: My significant other wants to get married and have a baby right now, what should I do?

Jane Doe: Leonardo da Vinci once said, "Marriage is like putting your hand into a bag of snakes in the hope of pulling out an eel." No one can make promises for happily ever after or together forever. That's the stuff of fairytales. But once you have committed to someone, one way or another, you will both learn to compromise and make things work. That's life. There's no right time or wrong time. The better question is, are you prepared enough, mentally and financially? Can you take on more responsibilities? Can you both shoulder each other's burden? If the answer to any of these questions is negative then going down the path of marriage or bringing another mini you into this world is an irrational decision at the moment.

John Doe: You want to do what?!? The answer to this question depends greatly on your own personal situation. One thing that Law School has taught me that time is precious. I'm pretty sure the last time that I felt I had enough time to do everything on my to-do list was during 1L orientation. Planning a wedding and having a baby are both rather time consuming activities that you would be adding to your already crowded schedule. I know a number of people who have gotten married while in law school. That seems totally doable, as long as your fiancée understands the restrictions on your time and is willing to make decisions without you there every step of the way...actually this seems like a great way to get out of having to visit dozens of florists to find the *perfect* flower arrangements for the big day. Suggestion: Go for it! I also know a few people who have had kids while in

law school. Having a kid seems like a lot more of a time commitment than planning a wedding. Sleep is another precious thing. I don't have any kids, but my friends who do seem to sleep less with a newborn in the house. One attorney who I worked for was pregnant twice while in law school and graduated as valedictorian of her class at Stanford. She's superhuman. I don't know how she did that. Other friends who had kids during law school had their grades suffer or even had to drop out. Suggestion: Buy a puppy and hold off a few years on the kid.

Q2 Life: I did not get an internship over the summer and none of the OCI interviews worked out for fall, what should I do?

Jane Doe: Kevin Hart once said, "An unemployed court jester is nobody's fool." This quote is totally not relevant and unhelpful here, but it is just too funny to pass up sharing. This is a glaring gap on your resume, but if you can make it up elsewhere i.e. grades and extracurriculars that should be enough to hold you over until spring. But that puts more pressure on your spring semester because you really should find yourself some real-world work to gain experience. This could be easily accomplished by reaching out to your professors, Student Affairs, and the office of Careers and Professional Services for help. Look in to writing the best cover letter of your life and get your resume/CV reviewed and revised.

John Doe: Take a number. Most students don't get summer offers out of OCIs. Suggestion: Go to networking events and attorney panels that campus organizations put on and start collecting business cards and actually follow up with those attorneys (networking events are also good because they generally have free food and drinks). Connect with attorneys on LinkedIn. Apply to positions as they become available

at #HireUSDLaw. Send cold emails and set up lunch with USD Law alums at firms that you would want to work for. Treat finding a job like the most important class you're taking. At the end of the day it doesn't matter how many firms don't hire you or how many call backs you don't get, all you need is the one who says yes.

Q3 Law: I am currently not interested at all in the course I must take and it is hard to focus and understand everything, what should I do?

Jane Doe: J.K. Rowling said, "Indifferent and neglect often do much more damage than outright dislike." If you cannot stand the class, maybe you should ask yourself why. If there is a problem fix it. Life is short and there is no reason to sit there and suffer, all the while wasting your precious time. Since the class is required try to find some small minute thing in the entire subject that you are kind of interested in and hang your hat on that. It could even be something as superficial as a cute guy or girl who is also in the class. But whatever you do, don't just zone off and go on social media or daydream. At the end of the day, your biggest obstacle to overcome is yourself. Once you let the lack of passion about the topic lead you to endless distractions there's no turning back and often times it will be too late to makeup everything that you've missed.

John Doe: Congratulations! You now know that you don't want to be a (insert class name here) lawyer! Fortunately for you, law school has a curve. Even if you don't understand anything, it will be very hard to actually fail the class. Get a good outline, keep going to class and taking notes, and hopefully you finish higher on the curve than you think you will. Suggestion: Take the extra time you're not putting into this class and spend that time looking for a job (preferably in a different area of law from that boring class).

Alexander Response from Law Student for Cross-Racial Understanding

Credits: Maureen Gregory

"A law school...should be a place where the free exchange of ideas is encouraged, not inhibited" resounds with truth. How, though, are we supposed to freely exchange ideas if a professor disseminates unsubstantiated beliefs damaging to every demographic outside of a privileged few? To encourage a free exchange of ideas, USD Law should commit itself to attracting students and faculty with divergent viewpoints--to providing equal access to education.

At USD Law, students' education must be central. As law students committed to promoting diversity of people, ideas and cultures on campus, we received the Dean's letter of support to the law school body with relief. When a professor publishes work and appears on national news supporting the subordination of cultures that fall outside of bourgeois values- "black rap culture," "Plains Indians," "anti-social" working class whites, Hispanic immigrants who embrace their native culture, and children of single parent households- he chills contribution to his class from students who identify with those groups, eliminating the possibility for them to receive push points and deterring them from attending office hours. Professor Alexander's op-ed asserts that if these outsiders "accept the simple rules" then "their lives will go far better than they do now." In contrast, outsiders already do well, maintain their unique cultural traditions, attain graduate level educations, and attend Alexander's lectures.

The Dean's statement offered these students support. We must publicly represent USD Law as a safe space for any individual with the will, drive and capability to attain a legal education, regardless of cultural affiliation. The Alexander op-ed, its consequential national stir, and the lack of an equal forum for the USD representatives who oppose Alexander's ideals undermine such a representation and threaten the vibrancy of USD Law's educational environment.

In light of the faculty response to the Dean's statements, it seems appropriate to delineate how and why the op-ed's premise models cultural subordination.

To start, Alexander's op-ed evokes a sentiment of "exclusion...racial discrimination or cultural subordination" in title, content and image. The op-ed's central image depicts John Wayne in *The Searchers*. Throughout the film Wayne's character "searches" for his abducted niece to kill her rather than have her "live with a buck" because "living with Comanche ain't living." Similarly, the op-ed contends that "the culture of Plains Indians was designed for nomadic hunters, but is not suited to a First World." As the Standing Rock controversy highlighted, Plains Indians do struggle to sustain themselves in 21st century. However, this reality grew out of U.S. army policy in supplying bullets to private hunters under the policy of: "kill every buffalo you can! Every buffalo dead is an Indian gone." [15] Alexander's article explicitly purports that if we regress to a value system that glorifies blood-thirsty racists, everyone will be better off.

Additionally, the title of the op-ed implies cultural subordination. If society is "Paying The Price For Breakdown of the Country's Bourgeois Culture," then the nation must incur a debt each time an individual from a minority culture participates in society in a way that aligns with her own cultural traditions. [1] It follows from the title that the nation has something to gain from widespread assimilation.

Substantively, "bourgeois culture's" purported breakdown occurred simultaneously with the nation banishing discrimination suggesting that the former informed the latter. The embodiment of bourgeois values informed discrimination. A 1968 exchange between James Baldwin and Yale philosophy professor Paul Weiss demonstrates that the aspirations of the nation's civil rights leaders were not to ignore facets of our identity, but rather to address social realities. When questioned if he agreed with Baldwin's analysis of racial oppression within the country, Weiss responded that he agreed "with a great deal of it... but [that Baldwin] overlooked...that each of us is terribly alone" with some obstacle in life, "so why, then, must we concentrate on color?" Baldwin responded with his own experience, that he fled to Paris in 1948 to escape "America's particular social terror, which was not the paranoia of [his own] mind, but a real social danger visible in the face of every cop, every boss, everybody." [2]

The value of "being a patriot, read to serve the country" contradicts the fundamental right to free speech. If society re-adopts values that make "condemning America and reviewing its crimes into a class marker of virtue and sophistication," how will we as a people stop the government from committing crimes? The hallmark of cultural subordination is the suppression of positive minority cultural traits for the pursuit of pursuing a larger cultural norm. Minority claims of injustice exemplify such a positive trait. The civil rights movement would not have gained any traction if societally harmed individuals opted to "be a patriot" in lieu of speaking their quotidian truth of state sanctioned unfair treatment.

Finally, contrary to the assertion that the "re-embrace of bourgeois norms by the ordinary Americans who have abandoned them [would] significantly reduce society's pathologies," a statement of Lee Atwater explaining how to use abstractions to win the vote of racists "without sounding racist themselves" demonstrates that people in power designed post civil rights movement policy to disparately impact minorities:

"You start out in 1954 by saying, 'Nigger, nigger, nigger.' By 1968 you can't say 'nigger...' Backfires. So you say stuff like forced busing, states' rights... cutting taxes... you're talking about...economic things and a byproduct of them is [that] blacks get hurt worse than whites. And subconsciously maybe that is part of it...if it is getting that abstract... we are doing away with the racial problem... saying, 'We want to cut this,' is much more abstract than even the busing thing, and a hell of a lot more abstract than 'Nigger, nigger, nigger.' [3]

Atwater's statements illustrate the calculated attempt to 'do away with the racial problem.' We have yet to find a remedy to the country's affliction from being born on stolen land with stolen people. Huge disparities inherited from our origins indicate that the typical white household possesses sixteen times the wealth of a black household. [4] Consciously or unconsciously these households support the very legislation Atwater describes that end up disproportionately harming minorities. These individuals, "the upper-middle class [who] still largely observe [bourgeois values]" now hesitate to preach because they realize that these values fall outside the core value of the country- substantive democracy.

Academic freedom leaves room for one to express the opinion that the civil rights movement launched society into an "obsession with race, ethnicity, gender, and now sexual preference." However, research indicates that black men are four times more likely to be killed than young white men, [6] that police use a lower standard of suspicion to search black and latino drivers than white drivers, [8] and as of the 2016 transgender bathroom fervor, no woman has reported being sexually abused by a transgender person; but, 22 transgender people were murdered. [9] Intimate partner violence, or domestic violence, is the number one cause of death for women. [11] Even when blacks are more educated than whites, black applicants face a similar unemployment rate [14] demonstrating that while minorities try to "follow the script," external forces continue to hamper opportunities for success.

The Dean acted courageously in listening to the students' concerns and taking steps to ensure that the law school may attract students and faculty from all walks of life. An interview with Atwater ten years after he set forth the strategy for using abstractions to rally racist support underscores the value in vindicating egalitarianism over personal gain. Atwater explained:

"The '80s were about acquiring — acquiring wealth, power, prestige...But you can acquire all you want and still feel empty...It took a deadly illness to put me eye to eye with that truth, but it is a truth that the country, caught up in its ruthless ambitions and moral decay, can learn on my dime. I don't know who will lead us through the '90s, but they must be made to speak to this spiritual vacuum at the heart of American society, this tumor of the soul." [16]

Our experiences shape and inform us. An institution of higher learning must include a wide variety of voices, opinions, and perspectives. If we do not take steps to ensure that our school is a safe space for all people, we will be paying the price for the breakdown of the country's commitment to diversity and inclusion.

*Please see website for links to footnotes

Shame on the Senate

By Alex Behzade



If there was someone more qualified to sit on the Seventh Circuit Court of Appeals than Amy Coney Barrett, one would be hard pressed to find this person. Her resume was golden, serving as a law clerk for the late, great Justice Antonin Scalia of the Supreme Court before returning to her alma mater – Notre Dame – as a distinguished professor. Endorsed by prominent legal scholars, including Neal Katyal, President Obama’s acting solicitor general, President Donald Trump nominated her to fill a vacant seat on the 7th Circuit, her Senate hearing on September 6th, 2017.

What happened next brought shame upon the entire United States Senate.

I freely admit that Barrett is a conservative, originalist scholar. To Democrats, adherents of the messy and inherently inconsistent ‘Living Constitution’ approach, the nature of a young female advocate of judicial restraint is something to be avoided. Added to this is the fact President Trump appointed her, the desire of Democrats to reflexively oppose the President factors in as well. But nothing can justify the perfidy that was directed at Mrs. Barrett.

Led by Senator Dianne Feinstein (D-CA), Democrats on the Judiciary Committee zeroed in on Barrett’s Catholic faith. Using the pretext of an article co-written by her when she was just a law student, titled *Catholic Judges in Capital Cases* that discussed how religious judges could coexist their religious views on capital punishment with their duty as impartial jurists (stating that if they could not be impartial they have a moral and ethical imperative to recuse themselves so as not to violate either conviction), the members of the minority party engaged in thinly-veiled anti-Catholic attacks. “When you read your speeches, the conclusion one draws is that the dogma lives loudly within you,” the California Democrat stated flatly. “Ms. Barrett, I think your article is very plain in your perspective about the role of religion for judges,” said Senator Mazie Hirono (D-HI), “and particularly with regard to Catholic judges,” misconstruing Barrett’s argument. Senator Dick Durbin (D-IL), the Minority Whip, asked Barrett: “Do you consider yourself an orthodox Catholic?” turning a discussion about a judicial seat into one about religious faith. “She’s been outspoken,” Durbin defended himself to reporters. “So I think she has fashioned herself somewhat of an expert and I didn’t feel uncomfortable asking that question.”

Such a line of questioning misunderstands the actual article co-written by Barrett, but she is not alone in being targeted. For expressing basic Christian thinking as his private viewpoint, OMB Deputy Director nominee Russell Vought found himself excoriated by progressive hero Sen Bernie Sanders (I-VT) over such Christian beliefs. This has become commonplace, and shameful.

Why is this shameful, one might ask? The obvious answer is found in the United States Constitution. Article VI explicitly states “No religious test shall ever be required as a qualification to any office or public trust under the United States.” Such a line was necessary, harkening back to before the United States existed. Jonas Phillips, an American patriot and spy during the Revolutionary War, penned a letter to the Constitutional Convention about a Pennsylvania state law that forced all officeholders to swear fealty to the New Testament – as a Jew, Phillips wrote “By the above law a Jew is deprived of holding any public office or place of government.” The convention heeded Phillips’ letter and included the abovementioned clause. But here we have Senators Feinstein, Hirono, and Durbin injecting Professor Barrett’s Catholic faith to disqualify her.

I find it a bit hypocritical that the same party that lambasts President Trump over what they call as a “Religious test” on Muslims entering the US (referring to the executive order that temporarily bans travelers from six unstable and hostile nations that don’t have proper vetting procedures) engage in such religious tests against Catholics and Evangelical Christians. It runs contrary to the very concept of religious freedom, where no person could be persecuted or find themselves subject to government discrimination over their chosen faith.

It isn’t hard to see why the Democrats are playing this sort of game. Textualist judges threaten the house of cards created by activist courts. But as Senator Mike Lee (R-UT) recounts on the Senate floor, there is something deeper. “The religious tests raised against Mr. Vought and Ms. Barrett do not favor one sect of Christian over another... Rather, they favor the secular, progressive creed clung to so confidently by the nation’s ruling elites... More and more, the adherents of this creed seek to use the power of government to steamroll disfavored groups—especially dissenters from their political dogmas.”

The new bigotry, installed to preserve political power, attacks the bedrock values that our nation is founded on. Shame on you Senator Feinstein, Senator Durbin, and Senator Hirono. You owe Mrs. Barrett, and the American people, your immediate contrition, and I call on my fellow classmates and colleagues to join in condemning this shameful practice. We are better than this. We should be better than this.